

EXHIBIT A-3

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April 15, 2020

By Electronic Mail

Christopher DiMase, AUSA
Nicholas Folly, AUSA
Julieta Lozano, SAUSA
U.S. Attorney's Office for the
Southern District of New York

Re: *United States v. Mark S. Scott*, S10 17 Cr. 630(ER)

Dear Counsel:

We write to request that the Government provide any bank records in its possession not previously produced in discovery for accounts making deposits into the Fenero Funds as well as accounts associated with OneCoin and/or Gilbert Armenta. These records are relevant to forfeiture issues and to sentencing arguments Mr. Scott intends to advance with respect to his relative culpability among co-defendants. They may also be relevant to Mr. Scott's post-trial motions.

This request covers bank records in the Government's possession including, but not limited to the following accounts, for the timeframe of September 2015 to September 2018:

1. IMS Pte accounts ending in 7201 and 0301 at OCBC Singapore, shown on GX 2602-A as having transferred 15 million euros into the Fenero Funds
2. All accounts held by Gilbert Armenta (and/or his affiliates or associated companies, including Fates Group, Zala Group, and ESOL B.V.) held at:
 - a. Sabadell Bank, including but not limited to account numbers 1000001517, 1000016318, and 6000013294
 - b. Bank United, including but not limited to the account that wired \$4,882,835.62 to Fates Group Morgan Stanley's account on February 19, 2016
 - c. TD Bank, including but not limited to account number 4325434431 (held by ONE EUX LLC)

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- d. JSC Capital Bank, including but not limited to OneCoin Limit (IBAN GE35IN0036920002741601; SWIFT Code: CPTBGE22)
 - e. North International Bank
 - f. Noor Bank (Dubai), including but not limited to OneCoin account 02410664730049
 - g. First Caribbean Bank
 - h. Regions Bank, including but not limited to Zala account 010030009998, ABA 0622005690
- 3. The account in the United Kingdom, that according to the Government, wired funds to the Fenero Funds (*see* p. 31 of Government Opposition to Rule 29 and Rule 33 motions)
 - 4. All records for Bannockburn (First Financial Bank) that managed foreign exchange transactions for TD Bank account 2427847544, along with any other statements for Bannockburn accounts alleged to have handled OneCoin-related money.¹
 - 5. All records relating to accounts of SecurePoint Corp. at TD Bank under the primary account number 242-7847544 (we only have statements for 2427847544-713)
 - 6. All transactions relating to the purchase of OneCoin packages that were processed through US2Moon, including but not limited to those going to TD Bank account 2427847544 or any other transactions processing OneCoin payments
 - 7. All records for the Viola AM (UK) Limited account that sent 5,000,000 EUR on April 19, 2016 to the Fates Group Account 658046484653 at Morgan Stanley, sent through Mercury FX.

We respectfully request that you provide us with these statements by April 20th or notify us by that time if you have such statements in your possession but decline to produce them, so we may raise the issue with the Court.

Respectfully Submitted,

/s Arlo Devlin-Brown
Arlo Devlin-Brown

¹ We have compared the incoming transfers shown on GX 730-A from TD account 2427847454 with the outgoing transfers to Bannockburn from the same TD account as shown on GX 723-B, and there is a mismatch of approximately \$15 million USD.



U.S. Department of Justice

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April 23, 2020

BY EMAIL

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Re: *United States v. Mark S. Scott, S10 17 Cr. 630 (ER)*

Dear Counsel:

The Government writes in response to your letter dated April 15, 2020, in which you request certain bank records from the Government. The Government's responses to your individual requests—made to the best of its ability, based upon a review of voluminous records and discovery materials—are below.

1. IMS Pte Accounts Ending in 7201 and 0301 at OCBC Singapore

The Government does not appear to have obtained bank records from OCBC Singapore for accounts held by IMS Pte ending in 7201 and 0301.

2. Accounts Held by Gilbert Armenta, Fates Group, Zala Group, and/or ESOL B.V.

a. *Sabadell Bank / Iberia Bank*

To date, all relevant bank records obtained by the Government from Sabadell Bank / Iberia Bank appear to have been produced in discovery. Sabadell Bank / Iberia Bank records were produced to you marked with the following Bates numbers: USAO_00035202 – USAO_00037135; USAO_00052396 – USAO_00053539; USAO_00146571 – USAO_00146771; USAO_00153879 – USAO_00153934; USAO_00155395 – USAO_00156127; USAO_00163496 – USAO_00163725; and USAO_00168303 – USAO_00168424.

b. *BankUnited*

To date, all relevant bank records obtained by the Government from BankUnited appear to have been produced in discovery. BankUnited records were produced to you marked with the following Bates numbers: USAO_00139698 – USAO_00139795 and USAO_00156986 – USAO_00157108.

c. *TD Bank*

To date, all relevant bank records obtained by the Government from TD Bank appear to have been produced in discovery. TD Bank records were produced to you marked with the following Bates numbers: TDBNA-0000001 – TDBNA-0000531; USAO_00053540 – USAO_00053670; USAO_00138872 – USAO_00139245; USAO_00146772 – USAO_00147079; USAO_00153974 – USAO_00155374; USAO_00163726 – USAO_00164306; and USAO_00172131 – USAO_00172353.

d. *JSC Capital Bank*

The Government does not appear to have obtained bank records from JSC Capital Bank for any account held at that bank, including OneCoin Limit (IBAN GE35IN0036920002741601; SWIFT Code: CPTBGE22).

e. *North International Bank*

The Government does not appear to have obtained bank records from North International Bank for any account held at that bank.

f. *Noor Bank (Dubai)*

The Government does not appear to have obtained bank records from Noor Bank (Dubai) for any account held at that bank, including OneCoin account 02410664730049.

g. *First Caribbean Bank*

To date, all relevant bank records obtained by the Government from First Caribbean Bank appear to have been produced in discovery. First Caribbean Bank records were produced to you marked with the following Bates numbers: USAO_00008746 – USAO_00010735 and USAO_00110636 – USAO_00111537.

h. *Regions Bank*

To date, all relevant bank records obtained by the Government from Regions Bank appear to have been produced in discovery. Regions Bank records were produced to you marked with the following Bates numbers: USAO_00052076 – USAO_00052077; USAO_00052090 – USAO_00052319; USAO_00052325 – USAO_00052381; USAO_00052394 –

USAO_00052395; USAO_00146331 – USAO_00146570; and USAO_00156875 – USAO_00156984.

3. Account in the United Kingdom

The sentence referred to on page 26 of the Government’s Opposition to the defendant’s Rule 29 and Rule 33 Motion contains several inadvertent errors.¹ As correctly reflected in the admitted Government Exhibit to which the sentence in question refers (GX-2602-A): (a) the total amount of Euros transferred into the Fenero Funds was approximately *€354 million*, and not approximately €364 million; and (b) *nine*—not ten—bank accounts held in Singapore, Germany, Hong Kong, the United States, and *Bulgaria*—not the United Kingdom—directly funded transfers into the Fenero Funds.

4. Bannockburn Records

To date, all relevant Bannockburn bank records obtained by the Government from First Financial Bank and HSBC Bank appear to have been produced in discovery. Bannockburn bank records obtained from First Financial Bank were produced to you on or about November 1, 2019, marked with Bates numbers USAO_00156185 – USAO_00156186. Bannockburn bank records obtained from HSBC Bank were produced to you on or about November 1, 2019, marked with Bates numbers USAO_00156187 – USAO_00156874. Additional Bannockburn bank records obtained from HSBC Bank were produced to you on or about April 21, 2020, marked with Bates numbers USAO_00168425 – USAO_00172130.

5. SecurePoint Corporation TD Bank Records

As noted above, to date, all relevant bank records obtained by the Government from TD Bank appear to have been produced in discovery. SecurePoint Corporation bank records obtained from TD Bank were produced to you: (a) on or about September 4, 2019, marked with Bates numbers USAO_00138872 – USAO_00139245; (b) on or about October 23, 2019, marked with Bates numbers USAO_00153974 – USAO_00155374; and (c) on or about April 21, 2020, marked with Bates numbers USAO_00172131 – USAO_00172353.

6. US2Moon Records

SecurePoint Corporation bank accounts held at TD Bank were utilized to receive wire transfers for OneCoin package purchases processed through US2Moon. As noted above, to date, all relevant bank records obtained by the Government from TD Bank appear to have been produced in discovery. Note that, as the evidence presented at trial demonstrated, U.S. victims were also sometimes directed to wire funds for OneCoin packages directly to foreign bank accounts. (*See* Tr. 73-75; GX-2803, GX-2804).

¹ The sentence in question cites to GX-2602-A and states: “At trial, the Government established that between May 2016 and October 2016, the defendant received wire transfers totaling approximately €364 million and \$10 million from approximately 10 different bank accounts held at banks located in Singapore, Germany, Hong Kong, the United Kingdom, and the United States.”

7. Mercury FX / Viola AM (UK) Limited Records

To date, all relevant bank records obtained by the Government related to the U.K. bank account that transferred approximately €5 million to Fates Group account 658046484653 at Morgan Stanley, on or about April 19, 2016, appear to have been produced in discovery. Specifically, Barclays Bank PLC (UK) records were produced to you on or about October 10, 2019, marked with Bates numbers USAO_00150179 – USAO_00150716.

Sincerely,

GEOFFREY S. BERMAN
United States Attorney

by: /s/
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